REMARKS

An Office Action was mailed on August 8, 2006. Claims 1-19 are pending.

Claim 6 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses such rejection because the second limitation states that the user identification is received ***by*** the user, which correlates with the first limitation that states that the user identification is received at the server ***from the user***. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-2 and 16-17 are rejected under 35 U.S.C. §102(e) as being anticipated by Sivula (U.S. Patent 6,907,239). The remaining claims are rejected under 35 U.S.C. §103(a) as being unpatentable over Sivula '239 in combination with a variety of different secondary references. Applicant respectfully traverses such rejections in view of the amendments and argument set forth herein.

Independent claim 1, as amended, recites in part:

"providing an electronic application to the user that restricts user access to the storable electronic content" and

"subsequent to the user being provided with the storable electronic content, providing control commands to the user that are receivable from a party other than the user, the control commands enabling the electronic application to render the electronic content accessible to the user."

First, the user is provided with content and an application that restricts access to the same. Then, the role of a party other than a user (e.g., a service provider) is to enable the application to render content accessible to the user **subsequent** to the user being provided with the content.

By contrast, Sivula '239 discusses a method and system, in which a service or content is delivered to the user by the service provider **after** payment has been authenticated, which begins with the user pre-paying for the service and then communicating the same to the service provider. Thus, the user does not obtain the service or content until prepayment has been made. Once the service or content is received, it does not need to be enabled.

However, in the present case the user is initially provided with content and an electronic application that restricts user access to the content. The role of the party other than the user (e.g. service provider) is then to provide control commands to the user that enable the application to render the content accessible to the user. Thus, the user obtains the service or content **before** access to the same has been enabled.

Thus, while the end result of a user gaining access to a service or content may be similar, Sivula '239 and the Applicant achieve such result using two very different means. This distinction is now more clearly reflected in the claims.

In addition, Applicant is presenting herewith new claims 20-34, which further explore the scope of the present invention and highlight the distinction over Sivula '239 in the form of a system. Such claims are also believed to be allowable over the Sivula '239 reference alone or in combination with any of the prior art references asserted herein.

In view of the above amendments and remarks, it is believed that claims 1-34 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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